

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARIE L. CAVENAILE,

Plaintiff,

vs.

**THE PURDUE PHARMA COMPANY,
PURDUE PHARMA L.P.,
PURDUE PHARMA, INC.,
PURDUE FREDERICK COMPANY,
THE P.F. LABORATORIES, INC.,
MALLINCKRODT, INC.,**

Defendants.

No. 04-CV-401-DRH

MEMORANDUM AND ORDER

HERNDON, District Judge:

Before the Court is Plaintiff's motion to stay. (Doc. 56.) Plaintiff claims to have suffered injuries as a result of using Defendants' painkiller OxyContin, and Plaintiff's counsel has petitioned the Judicial Panel on Multi-District Litigation to create an MDL case for all similar OxyContin cases. Based on the possibility that an MDL case may be formed, Plaintiff's counsel now seeks to stay this suit until the Judicial Panel rules on the petition before it. (Doc. 56.) Defendants oppose the request to stay. (Doc. 58.)

This Court has consistently denied requests to stay that are based on pending petitions to create an MDL case when the stay would not result in a

tremendous saving of the litigants' and counsel's resources. However, the Court does give serious consideration to each request to stay. In this case, discovery has been proceeding for an extended period of time, and nothing else indicates a stay would benefit the litigation process or save many resources. Consequently, the Court **DENIES** Plaintiff's motion to stay. (Doc. 56.)

IT IS SO ORDERED.

Signed this 2nd day of August, 2005.

/s/ David RHerndon
United States District Judge